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English Lit. 13

A
GENERAL ABRIDGMENT
OF
Law and Equity,

ALPHABETICALLY DIGESTED UNDER
PROPER TITLES;

WITH NOTES AND REFERENCES
TO THE WHOLE.

BY CHARLES VINER, Esq. . .
FOUNDER OF THE VINERIAN LECTURE IN THE UNIVERSITY OF
OXFORD.

FAVENTE DEO.

THE SECOND EDITION.

VOL. XXIV.

CONTAINING

AN INDEX to the TITLES and PRINCIPAL MATTERS contained in
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ADVERTISEMENT.

IN the Republication of the present Volume, which contains a General Index of the Titles and Divisions of the Principal Matters in **VINER'S ABRIDGMENT**, as also in several other General Abridgments of Law and Equity, it has been judged a desirable improvement to incorporate, in like manner, references to the subject-matter contained in the latter volumes of *Bacon's Abridgment*, and in the *Digest* of Lord Chief Baron Comyns *, published since the original edition of **VINER'S ABRIDGMENT**; by which the reader is possessed, under one view, of an Index to the several principal Abridgments of Law and Equity.

The Titles, **MAXIMS** and **STATUTES** have also been added, with proper references to the several volumes of **VINER'S ABRIDGMENT**, in order, in some measure, to supply the original intention of the Author, and to extend the general utility of this volume.

• This Work is denoted, throughout this Index, by the abbreviation *Com. i.*, 420, &c.

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Boni judicis est lites dirimere, ne lis ex lite oriatur. *Dis-
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Borough English shall be taken strictly. *Stricti Juris*, xx. 14.

Cessante causâ cessabit effectus. *Baron and Feme*, iv. 123. *Re-
 lease*, xviii. 357.

Cessante ratione legis, cessat ipsa lex. *Tenure*, xx. 251.

Churchyard est solum Deo consecratum. *Execution*, x. 593.

Claim of discharge from tithes shall be taken strictly. *Stricti
 Juris*, xx. 14.

Clausula generalis non refertur ad expressa. *Covenants*, vi.
 430.

Communis error facit jus. *Mariners*, xv. 236. *Poor*, xvi.
 422. *Precedents*, 501, 502. *Taxes*, xx. 162.

Communis lex est magis digna. *Franchises*, xiii. 513.

Conditions shall be taken so strictly, that the breach shall be
 according to the precise words. *Stricti Juris*, xx. 14.

Confessio facta in judicio, omni probatione major est. *Con-
 fession*, v. 348.

Confirmare idem est, quod firmum facere. *Release*, xviii.
 371.

Consensus tollit errores. *Error*, x. 12. *Evidence*, xii. 62,
 113. *Judgment*, xiv. 625. *Partition*, xvi. 218. *Sewers*,
 xix. 417. *Trial*, xxi. 120.

Consuetudo

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Consuetudo ex certâ causâ rationabili usitata privat communem legem. *Customs*, vii. 188.

Consuetudo loci est observanda. *Condition*, v. 134.

Consuetudo regni est communis lex. *Actions*, i. 216.

Consuetudo semel reprobata, non potest amplius induci. *Customs*, vii. 188.

Contemporanea expositio est optima. *Clerk of the Peace*, iv. 542.

Contra negantem principia non est disputandum. *Maxims*, xv. 351.

Contracts are to be judged according to the law of the place where such contracts are made. *Contract, &c.* v. 511.

Cuilibet in suâ arte perito, est credendum. *Court*, vi. 496.

Cujus est dare, ejus est disponere. *Contract, &c.* v. 550. *Powers*, xvi. 497.

Cujus est divisio, alterius est electio. *Parceners*, xvi. 172.

Cujus est solum, ejus est summitas usque ad cœlum. *Nuisance*, xvi. 27. *Stocks*, xx. 8. 9.

Curia magis digna, &c. *Conusance*, v. 585.

Curat lex. *Estoppel*, x. 465. *Officers*, xvi. 135.

Custom may make that titheable which of itself is not titheable. *Dismes*, ix. 60.

Customs to bar estates shall be taken strictly. *Stricti Juris*, xx. 14.

Damnum absque injuriâ. *Executors*, xi. 86.

Debere dicitur, quia deest habere. *Prerogative, &c.* xvi. 523.

Debile fundamentum, &c. *Remainder*, xviii. 382.

Debitum et contractus, &c. sunt nullius loci. *Foreign Plea*, xiii. 415.

Debitum in præsentî quamvis sit solvendum in futuro. *Release*, xviii. 220.

Debitum judex non separat. *Contract, &c.* v. 509.

De fide et officio judicis, non recipitur quæstio. *Intendment*, xiv. 449.

Demandant is not to counterplea any seisin, but after the title of his writ. *Voucher*, xxii. 105.

De minimis non curat lex. *Copyhold*, vi. 186. 238. *Customs of London*, vii. 208. *Error*, ix. 565. *Miscasting*, xv. 403. *Parliament*, xvi. 194. *Prescription*, xvii. 258. *Sheriff*, xix. 442. *Waste*, xxii. 458. 473.

De non apparentibus, et de non existentibus, eadem est ratio. *Presentation*, xvii. 447.

Derivativa potestas est ejusdem jurisdictionis cum primitivâ. *Court Lect*, vi. 587. *Court of Sheriff, &c.* vii. 4.

Designatio unius personæ est exclusio alterius. *Condition*, v. 116.

Detur digniori. *Prerogative*, xvi. 566.

De vitâ hominis nulla est cunctatio longa. *Prerogative, &c.* xvii. 48.

Dispensatio est previda relaxatio juris pro necessitate pensata. *Prerogative, &c.* xvii. 63.

Dispensation

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- Dispensation of a condition in part, is a dispensation in all.
Stricti Juris, xx. 14.
- Disseisin alledged in bar or replication is always traversable.
Traverse, xx. 363.
- Distinguenda sunt tempora. *Release*, xviii. 329.
- Domus sua cuique tutissimum est refugium. *House*, xiv. 313.
- Donatio perficitur possessione accipientis. *Gift*, xiv. 19.
- Droit ne done plus que soit demande. *Damages*, vii. 287.
- Dos de dote peti non debet. *Dower*, ix. 221. 232.
- Duplicationem possibilitatis lex non patitur. *Estate*, x. 290.
- Ecclesia ecclesiæ decimasolvere non debet. *Presentation*,
 &c. xvii. 296.
- Eodem modo quo oritur, eodem modo dissolvitur. *Contract*,
 &c. v. 516.
- Equal things cannot drown one another. *Merger*, xv. 362.
- Equity follows the law. *Prerogative*, &c. xvii. 119.
- Estoppels shall be taken strictly. *Stricti Juris*, xx. 14.
- Every prescription is stricti juris. *Stricti Juris*, xx. 14.
- Excambium naturaliter vult in se warrantiam. *Voucher*,
 xxii. 26.
- Exceptio semper ultimo ponenda est. *Reservation*, xix. 135.
- Ex diuturnitate temporis omnia præsumuntur solenniter esse
 acta. *Evidence*, xii. 84. *See Omnia*.
- Ex facto jus oritur. *Trial*, xxi. 23.
- Ex nudo pacto non oritur actio. *Contract*, &c. v. 529. *Evi-*
dence, xii. 117. *Nudum Pactum*, xvi. 16.
- Expectet emptor, &c. *Debt*, vii. 333. *Statutes*, xix. 524.
- Expedit reipublicæ ut sit finis litium. *Fine*, xiii. 294. 304.
- Expende circumstantias, et intentio intelligetur. *Release*, xviii.
 341.
- Ex præcedentibus et consequentibus, optima fit interpretatio.
Grants, xiv. 59. *Release*, xviii. 341.
- Expressio eorum, quæ tacite insunt, nihil operatur. *Devise*,
 viii. 375. *Estate*, x. 245. *Presentation*, xvii. 406. *Re-*
mainder, xviii. 392.
- Expressio falsi. *Prerogative*, &c. xvii. 44.
- Expressum facit cessare tacitum. *Condition*, v. 116. *Devise*,
 viii. 203.
- Ex primâ causâ oritur omnis actio. *Relation*, xviii. 293.
- Factum valet, quod fieri non debuit. *Executors*, xi. 116.
- Fatetur facinus, qui iudiciûm fugit. *Bail*, iii. 446.
- Fiction shall not take away right. *Presentation*, xvii. 386.
- Fictions of law hold no place against rights. *Executors*, xi.
 134.
- Filiatio non potest probari. *Bastard*, iv. 215. *Trial*, xxi. 58.
- Finis finem litibus imponere debet. *Fine*, xiii. 245.
- Forfeitures shall be taken strictly. *Stricti Juris*, xx. 14.
- Fortior et potentior est dispositio legis quam hominis. *Sur-*
render, xx. 144. *Waste*, xxii. 505.
- Fortior et potentior est vulgaris consuetudo, quam regalia
 concessio. *Bye-Laws*, iv. 307.

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Fraight is the mother of wages. *Master of a Ship*, xv. 346.

Fraus est celare fraudem. *Fraud*, xiii. 545.

Fraus et dolus nemini patrocinari debet. *Covin*, vi. 476.

Disseisin, ix. 96. *Fraud*, xiii. 543.

Fraus non est fallere fallentem. *Fraud*, xiii. 520. *Trust*, xxi. 518.

Frustra fit per plura, quod fieri potest per pauciora. *Non-tenure*, xv. 594.

Frustra petis, quod statim alteri reddere cogeris. *Executors*, xi. 90.

Generalis clausula non porrigetur ad ea, quæ antea specialiter sunt comprehensa. *Grants*, xiv. 61. 157. *Parols*, xvi. 212.

General words shall be taken in mitiori sensu. *Devise*, viii. 319.

General words subsequent shall be restrained by precedent particular words. *Grants*, xiv. 61.

Heir more favoured at law and in equity, than executor or administrator. *Portions*, xvi. 448.

Id certum est, quod certum reddi potest. *Common*, iv. 587. *Distress*, ix. 127.

Idem est nihil dicere, et insufficienter dicere. *Mute*, xv. 531. *Return*, xix. 205.

Idem semper proximo antecedenti refertur. *Estate*, x. 251.

Id quod licitum non est, necessitas facit licitum. *Necessity*, xv. 534.

Impersonalitas nec concludit nec ligat. *Estate*, x. 422.

Impotentia excusat legem. *Descent*, viii. 17. *Residence*, xix. 147.

In æquali jure, melior est conditio possidentis. *Executors*, xi. 270. *Guardian and Ward*, xiv. 178. *Presentation*, xvii. 369. *Privilege*, 518. *Title*, xx. 278.

Incerta pro nullis habentur. *Customs*, vii. 188.

Incivile est, nisi tota sententia perspecta, de aliqua parte judicare. *Grants*, xiv. 100.

Indefinitum equipollet universali. *Devise*, viii. 307.

In disjunctivis sufficit unum esse verum. *Residence*, xix. 143.

In expositione instrumentorum, mala grammatica, quoad fieri potest, vitanda est. *Grammar*, xiv. 27.

In facto quod se habet ad bonum et malum, magis de bono quam de malo lex intendit. *Intendment*, et præsumendum est, xiv. 449. *Presumption*, xvii. 508.

In favorem libertatis. *Trial*, xxi. 124.

In favorem vitæ. *Trial*, xxi. 252.

In fictione juris semper subsistit æquitas. *Fictions*, xiii. 210. *Rent*, xviii. 503.

Infinitem in jure reprobatur. *Circuitry of Actions*, iv. 534.

In fraudem legis. *Condition*, v. 223.

Inheritance cannot lineally ascend. *Heir*, xiv. 248.

In odium spoliatoris. *Discovery*, viii. 545. *Faits*, xiii. 101.

Money, xx. 420. *Own Oath*, xvi. 156.

In

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In præsentia majoris, cessat potestas minoris. *Justices of Oyer and Term*, xv. 23.

In preparatoriis ad judicium favetur aëtori. *Default*, vii. 452.

In republica maxime conservanda sunt jura belli. *Law*, xv. 48. *Safe Conduct*, xix. 273.

In restitutionem, non in poenam, hæres succedit. *Prerogative*, &c. xvi. 523.

Intent shall not be construed in trespass, contrary in felony. *Intendment*, xiv. 449.

Interest reipublicæ res judicatas non rescindi. *Presentation*, xvii. 396.

Interest reipublicæ ut sit finis litium. *Judgment*, xiv. 637. *Redisseisin*, &c. xviii. 266.

Inter pares non est potestas. *Sessions of the Peace*, xix. 343.

Interpretatio fienda est, ut res valeat. *Blunders*, iv. 278.

Judex non reddit plus quam quod petens ipse requirit. *Damages*, vii. 287.

Judges ought to adjudge according to the common intendment of law. *Intendment*, xiv. 449.

Judicia in curiâ regis reddita, non adnihilentur, sed stent in suo robore quousque per errorem aut attinctam adnihilentur. *Presentation*, xvii. 396.

Judicia in curiâ regis reddita, pro veritate accipiuntur. *Account*, i. 168. *Intendment*, xiv. 494. *Presentation*, xvii. 396.

Judicia sunt tanquam juris dicta. *Intendment*, xiv. 449. *Presentation*, xviii. 396.

Judicia suum effectum habere debent. *Replevin*, xix. 3.

Judicium non debet esse illusorium. *Replevin*, xix. 3.

Judicium semper pro veritate accipitur. *Judgment*, xiv. 583.

Jura naturæ sunt immutabilia. *Statutes*, xix. 494.

Jura publica anteferenda privatis. *Protection*, xviii. 84.

Jura regis specialia non conceduntur per generalia verba. *Prerogative*, &c. xvii. 128.

Jus accrescendi inter mercatores locum non habet. *Survivor*, xx. 148.

Jus accrescendi præfertur oneribus. *Jointenants*, xiv. 481.

Jus dicere non condere. *Devise*, viii. 78.

Jus et norma loquendi governed by usage. *Statutes*, xix. 520.

Jus præfertur ultimæ voluntati. *Jointenants*, xiv. 499.

Justitiâ firmatur solium. *Striking*, xx. 17.

Justum est quod punietur in eo quo peccat. *Prerogative*, &c. xvii. 164.

Jus venit, quod usus comprobavit. *Law*, xv. 46.

King (the) can do no wrong. *Prerogative*, xvi. 564.

King (the) never dies. *Estate*, x. 235, 236.

Law always respects order of proximity. *Rescript*, xix. 50.

Law disfavours contrarieties and repugnancy. *Repugnancy*, xix. 47.

Law favours life. *Life*, xv. 99.

Law never intends a possibility upon a possibility. *Jointenants*, xiv. 496.

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Law presumes every one will act for his best advantage. *Intendment*, xiv. 449.

Law respects matters of profit and interest largely; but of pleasure, skill, ease, trust, authority, and limitation, strictly. *Countermand*, vi. 483. *Stricti Juris*, xx. 14.

Law respects present benefits more than future possibilities. *Possibility*, xvi. 461.

Law respects the next estate, though small, be it in remainder, or reversion for life, before the great and remote estate in fee. *Rescript*, xix. 50.

Law will admit no proof against that which it presumes. *Voucher*, xxii. 154.

Leges posteriores abrogant priores. *Statutes*, xix. 525.

Leges posteriores leges priores contrarias abrogant. *Physicians*, &c. xvi. 343.

Legis constructio non facit injuriam. *Grants*, xiv. 64.

Lex a rege non est violanda. *Protection*, xviii. 99.

Lex necessitatis est lex temporis, i. e. instantis. *Necessity*, xv. 534.

Lex neminem cogit ad impossibilia. *Jointenants*, xiv. 518.

Lex nihil facit frustra. *Alien*, ii. 260. *Prerogative*, xvii. 46.

Lex non cogit ad impossibilia. *Condition*, v. 233. 328.

Lex non cogit inutile. *Condition*, v. 225.

Lex parliamenti est ab omnibus querenda, a multis ignorata, a paucis cognita. *Law*, xv. 47.

Lex semper intendit quod convenit rationi. *Intendment*, xiv. 449.

Lex spectat naturæ ordinem. *Jointenants*, xiv. 518.

Liberata pecunia non liberat offerentem. *Tender*, xx. 190.

Majus continet in se minus. *Settlement of the Poor*, xix. 379.

Majus dignum trahit ad se minus dignum. *Consuance of Pleas*, v. 584. 586.

Mala grammatica non vitiat instrumenta. *Grammar*, xiv. 27.

Males are more worthy than, and preferred before females. *Uses*, xxii. 200.

Malitia supplet ætatem. *Enfants*, ix. 395. *Murder*, xv. 504.

Malus usus est abolendus. *Customs*, vii. 178. 187.

Melior est conditio possidentis, ubi neuter jus habet. *Colour in Pleading*, iv. 564.

Meum est promittere non dimittere. *Countermand*, vi. 482.

Modus et conventio vincunt legem. *Common*, iv. 508. *Election*, ix. 359. *Mortgage*, xv. 462. *Partition*, xvi. 218. *Presentation*, xvii. 355. *Rent*, xviii. 524.

Multa conceduntur per obliquum, quæ non conceduntur de directo. *Trial*, xxi. 374.

Multa honesta accipi possunt, quæ tamen peti non possunt. *Counsellor*, vi. 478.

Multa ignoramus, quæ nobis non laterent, si veterum lectio nobis esset familiaris. *Wreck*, xxii. 539.

Multæ

MAXIMS.

Multa transeunt cum universitate, quæ per se non transeunt.

Heir, xiv. 287.

Multitude of judicial precedents make law. *Precedents*, xvi. 502.

Multitudo errantium tollit peccatum. *Statutes*, xix. 507.

Necessitas facit licitum, quod aliàs non est licitum. *Evidence*, xii. 231.

Necessitas est lex temporis. *Necessity*, xv. 538.

Necessitas inducit privilegium quod jure privatur. *Necessity*, xv. 534.

Necessitas legum vincula irridet. *Necessity*, xv. 534.

Necessitas sub lege non concedetur, quia quod aliàs non est licitum, necessitas facit licitum. *Voucher*, xxii. 121.

Necessity dispenses with the direct letter of a statute law. *Necessity*, xv. 534.

Necessity is excepted out of all law. *Wreck*, xxii. 540.

Negativa nihil certi implicat. *Negative*, xv. 540. *Nient De-dire*, 553. *View*, xxi. 569.

Nemo dat quod non habet. *Execution*, xi. 16. *Grants*, xiv. 45.

Nemo debet bis vexari, si constet curiæ, quod sit pro unâ et eâdem causâ. *Other Action pending*, xvi. 148.

Nemo debet se immiscere rei alienæ. *Coroner*, vi. 245. *Judgment*, xiv. 613.

Nemo est hæres viventis. *Devise*, viii. 72. 325. *Issue*, xiv. 572. *Trust*, xxi. 526.

Nemo potest contra recordum verificare. *Account*, i. 168.

Nemo potest plus juris in alium transferre, quam ipse habet. *Copyhold*, vi. 24.

Nemo præsumitur. alienam posteritatem suæ prætulisse. *Voucher*, xxii. 154.

Nemo tenetur divinare. *Nuñance*, xvi. 39.

Nemo tenetur prodere seipsum. *Discovery*, 539. *Evidence*, xii. 47. viii. 539. See *Prohibition*, xviii. 14. *Utlawry*, xxii. 345.

Ne res pereat. *Confirmation*, v. 388.

Next of blood to infant, to whom inheritance cannot descend, shall be guardian in socage, and not he to whom it may descend. *Guardian and Ward*, xiv. 178.

Nihil de re accrescit ei, qui nihil in re, quando jus accrescerit, habet. *Jointenants*, xiv. 509.

Nihil tam conveniens est naturali æquitati unumquodque dissolvi eo ligamine quo ligatum est. *Presentation*, xvii. 396.

No man is presumed to do any thing against nature. *Voucher*, xxii. 154.

Non admittitur ejusdem rei exceptio, cujus petitur dissolutio. *Utlawry*, xxii. 374. 377.

None can be party and judge in his own cause. *Trial*, xxi. 26. 28.

Non est [vel nullus] hæres viventis. *Remainder*, xviii. 389. 411. *Receipt*, xix. 59.

MAXIMS.

- Non præstat [vel valet] impedimentum, quod de jure non fortitur effectum. *Statutes*, xix. 527.
- Non sunt longa, quibus nihil est quod demere possis. *Condition*, v. 333.
- Non valet impedimentum, quod de jure non fortitur effectum. *Copyhold*, vi. 157.
- Norma loquendi, is the rule for the interpretation of actions for words. *Precedents*, xvi. 503.
- Nova constitutio futuris formam imponere debet, non præteritis. *Devise*, viii. 80. *Statutes*, xix. 524. *Voucher*, xxii. 148.
- No words shall be supplied by intendment to make a condition devert or destroy an estate. *Stricti Juris*, xx. 14.
- Nudum pactum. *Offer*, xvi. 77.
- Nullum tempus occurrit regi. *Alien*, ii. 259. *Continuance*, v. 495, 496. *Customs*, vii. 188. *Jointenants*, xiv. 490. *Occupant*, xvi. 70. *Prerogative*, 565. xvii. 221. *Presentation*, 378. 390. 402. 423. 444. 447. 479. *Prohibition*, xviii. 53. *Statutes*, xix. 532. *Villein*, xxi. 577. *Utlawry*, xxii. 363. *Wreck*, 540.
- Nullus commodum capere potest de injuriâ suâ propriâ. *Rent*, xviii. 502.
- Odiosa et inhonesta non sunt in lege præsumenda. *Presumption*, xvii. 508.
- Omne majus continet in se minus. *Ejectment*, ix. 330.
- Omne majus dignum trahit ad se minus dignum. *Copyhold*, vi. 25. 199. *Jointenants*, xiv. 497. *Release*, xviii. 350. *Trespass*, xx. 475. *Waste*, xxii. 496. 507.
- Omnia præsumuntur solemniter esse acta. *Evidence*, xii. 124, 125. 246. *Faits*, xiii. 99.
- Omnia quæque movent ad mortem, sunt Deo danda. *Deodand*, vii. 537.
- Omnis consensus tollit errores. *Error*, x. 13. *Trial*, xxi. 295.
- Omnis ratihabitio retrotrahitur, et mandato, sive licentiæ, æquiparatur. *Disseisin*, ix. 100. *Fine*, xiii. 288. *Mortgage*, xv. 454. *Ratihabitio*, xviii. 156.
- Once a fraud, and always a fraud. *Fraud*, xiii. 539.
- Once a recompense, and always a recompense. *Satisfaction*, xix. 277.
- One thing shall enure as another. *Grants*, xiv. 86.
- Oportet ut res certa deducatur in judicium. *Certainty in Pleading*, iv. 329. *Distress*, ix. 127.
- Optimus legum interpret est consuetudo. xix. 527.
- Owner has both jus in re, and jus ad rem. *Uses*, xxii. 246.
- Pœna ad paucos, metus ad omnes perveniat. *Fear*, &c. xxii. 550.
- Pœna ex delicto defuncti, hæres teneri non debet. *Prerogative*, &c. xvi. 523.
- Pœna mori potest, culpa perennis erit. *Trial*, xxi. 271.

M A X

MAXIMS.

- Par in parem non habet imperium.** *Justices of Peace*, xv. 7.
Law, xv. 50.
- Particular construction to be made, nisi impediatur sententia, or intentio partium.** *Release*, xviii. 341.
- Partus sequitur ventrem.** *Executors*, xi. 175.
- Patronum faciunt dos, ædificatio, fundus.** *Appendant, &c.* iii. 1.
- Pendente lite nihil innovetur.** *Mesne*, xv. 374.
- Plus peccat author quam auctor.** *Perjury*, xvi. 311. *Subornation*, xx. 26.
- Plus vident oculi quam oculus.** *Coroner*, vi. 245.
- Possessio est quasi pedis positio.** *Descent*, vii. 589.
- Possessio fratris facit sororem esse hæredem.** *Copyhold*, vi. 80. 192, 193. *Descent*, vii. 584, 589. See *Seisina*.
- Possession is a good title, where no better title appears.** *Title*, xx. 278.
- Possibilitas post dissolutionem executionis, nunquam reviviscitur.** *Possibility*, xvi. 460.
- Post executionem status lex non patitur possibilitatem.** *Possibility*, xvi. 460.
- Precedents that pass *sub silentio*, are of little or no authority.** *Precedents*, xvi. 499.
- Præsentia corporis tollit errorem nominis.** *Grants*, xiv. 97.
- Præsumitur rex habere omnia jura in scrinio pectoris.** *Mortmain*, xv. 489.
- Priority of time is respected of things done together, or which happen in an instant.** *Instant*, xiv. 448.
- Privatio præsupponit habitum.** *Forcible Entry, &c.* xiii. 395.
- Pro possessore habetur, qui dolo discit possidere.** *Executors*, xi. 240.
- Quæ communi legi derogant, strictè interpretari debent.** *Stricti Juris*, xv. 14.
- Quæ frequentius accidunt.** *Statutes*, xix. 528.
- Quæ incontinenti fiunt, inesse videntur.** *Conditions*, v. 70. *Instant*, xiv. 448. *Remainder*, xviii. 426.
- Quælibet concessio fortissimè contra donatorem interpretanda est.** *Grants*, xiv. 64.
- Quæ sunt minoris culpæ, sunt minoris infamiæ.** *Evidence*, xii. 1.
- Quando abest provisio partis, adest provisio legis.** *Copyhold*, vi. 49.
- Quando aliquid conceditur, conceditur et id sine quo res ipsa uti non potest.** *Trespass*, xx. 521.
- Quando aliquid prohibetur fieri, ex directo prohibetur, et per obliquum.** *Condition*, v. 105.
- Quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud.** *Indictment*, xiv. 373.
- Quando charta continet generalem clausulam, posteaque descendit ad verba specialia, quæ clausulæ generali sunt consentanea, interpretanda est charta secundum verba specialia.** *Grants*, xiv. 61.

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MAXIM.

Quando duo jura in unâ personâ concurrunt, æquum est ac si essent in duobus vel diversis. *Executors*, xi. 238. *Fine*, xiii. 289. *Title*, xx. 278.

Quando lex aliquid alicui omnia incidentia concedit, tacite conceduntur, sine quibus res ipsa esse non potest. *Distress*, ix. 126. *Incidents*, xiv. 346. *Prerogative*, xvi. 595. *Voucher*, xxii. 121.

Quando lex est specialis, ratio autem generalis, generaliter est intelligenda. *Radisseisin*, &c. xviii. 265.

Quando mulier nobilis nupserit ignobili, defuit esse nobilis. *Additions*, ii. 83.

Quando non valet quod ago, ut ago, valeat quantum valere potest. *Powers*, xvi. 478.

Quando verba sunt specialia, ratio autem generalis, statutum generaliter est intelligendum. *Limitation*, xv. 105.

Quicquid acquiritur servo acquiritur domino. *Master and Servant*, xv. 327.

Quicquid plantatur solo, cedit solo. *Grants*, xiv. 104. 106. *Sail*, xix. 479.

Quicquid solvitur, solvitur ad modum solventis. *Condition*, v. 297. *Payment*, xvi. 279.

Qui facit per alium, facit per se ipsum. *Trespass*, xx. 466. *Trial*, xxi. 75.

Qui hæret in literâ hæret in cortice. *Prescription*, xvii. 280. *Statutes*, xix. 527.

Quilibet renunciare potest beneficium juris pro se introduct. *Tenure*, xx. 235. *Prohibition*, xviii. 35.

Qui melius probat, melius habet. *Dower*, ix. 235. *Evidence*, xii. 94. *Trial*, xxi. 19.

Qui non obstat, quod obstarè potest, facere videtur. *Waste*, xxii. 450.

Qui non prohibet, quod prohibere potest, assentire videtur. *Waste*, xxii. 508.

Qui prior est in tempore, potior est in jure, in æquali jure. *Incumbrances*, xiv. 356. *Mortgage*, xv. 448. *Title*, xx. 278.

Qui pro me aliquid facit, mihi fecisse videtur. *Tenure*, xx. 235.

Qui semel actionem renunciavit, amplius repetere non potest. *Non suit*, xv. 569.

Qui sentit commodum, sentire debet et onus. *Copyhold*, vi. 190. *Covenant*, 404. *Debt*, vii. 328. *Estate*, x. 231. *Rent*, xviii. 541. *Trade*, xx. 336.

Qui tacet, consentire videtur. *Fraud*, xiii. 536.

Quod ab initio non valuit, tractu temporis non convalescit. *Customs*, vii. 188. *Dower*, ix. 270.

Quod aliàs bonum et justum est, si per vim vel fraudem petatur, malum et injustum efficitur. *Covin*, vi. 474.

Quod constat clarè non debet verificari. *Debt*, vii. 370.

Quod contra legem fit, pro infecto habetur. *Copyhold*, vi. 157.

Quod fieri non debuit, factum valet. *Executors*, xi. 417. *Judgment*, xiv. 617. *Land*, xv. 40. *Return*, xix. 206.

Quod lex conjunxit, nemo separet. *Executors*, xi. 422.

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Quod necessitas cogit, defendit. *Necessity*, xv. 536.

Quoties in verbis nulla est ambiguitas, ibi nulla expositio contra verba expressa, fienda est. *Grants*, xiv. 58. *Rent*, xviii. 478.

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Relation never defeats collateral acts. *Relation*, xviii. 292.

Relation shall always be ut sententia non impediatur, and not to the last antecedent. *Parols*, xvi. 211. *Relation*, xviii. 288.

Relation shall never make a void grant or devise of the party, good. *Relation*, xviii. 292.

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Rex non intermoritur. *Prerogative*, &c. xvii. 2.

Salus populi est suprema lex. *Common*, v. 18.

Securius expediuntur negotia commissa pluribus. *Coroner*, vi. 245.

Seisina fratris facit sororem esse hæredem. *Descent*, vii. 584, 585. See *Issue*.

Semper expressum cessare facit tacitum. *Grants*, xiv. 146.

Semper ita fiat relatio, ut valeat dispositio. *Relation*, xviii. 287.

Semper præsumitur pro sententiâ et pro legitimatione puerorum. *Intendment*, xiv. 449. *Presumption*, xvii. 508.

Sententiâ contra matrimonium nunquam transit in rem judicatam. *Judgment*, xiv. 637. *Marriage*, xv. 253.

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Tantum habent de lege, quantum habent de justitiâ. *Precedents*, xvi. 499.

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Traditio facit chartam. *Trial*, xxi. 103.

Trust, without appointment, results to grantor and his heirs. *Trust*, xxi. 499.

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Ubi eadem ratio, ibi idem jus. *Estate*, x. 236.

Ubi factum nullum, ibi fortia nulla. *Accessory*, i. 113, 121.

Ubi licet quod est majus, non debet quod est minus non licere. *Copyhold*, vi. 197.

Ubi major pars, ibi totum. *Major Part*, xv. 183. *Prerogative*, xviii. 187.

Ubi non est principalis, non potest esse accessarius. *Accessory*, i. 121.

Ubi nullum matrimonium, ibi nulla dos. *Dower*, ix. 211.

Ubi sensus verborum est multiplex, verba semper sunt accipienda in meliori sensu. *Copyhold*, vi. 118.

Una persona non potest supplere vicem duorum. *Coroner*, vi. 245.

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- Vigilantibus non dormientibus leges subveniunt. *Copyhold*, vi. 170. *Devise*, viii. 423.
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1 *Haw. P. C.*

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